

### **REMARKS**

Claims 15, 16, 19-21, 24-27, 32-35, 37-41, 43, and 46 are now pending in the application. Claims 1, 3-6, 8, 10, 12-14, 17, 18, 30, 31, 36, 44, 45, and 47 are canceled by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **INTERVIEW SUMMARY**

Applicants thank the Examiner for the interview granted on October 15, 2009. During the interview the pending claims and the cited art were discussed with the Examiner. Applicants submit that an agreement was reached that at least Claim 15 amended to include the elements of Claims 17 and 18 overcame the outstanding rejections. An agreement regarding the other pending claims was not reached.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 5 is rejected under the second paragraph 35 U.S.C. § 112 for insufficient antecedent basis for the recitation of "wherein the graspable member. . ." in line two of the claim. This rejection is respectfully traversed.

Claim 5 is canceled, thus this rejection is rendered moot and should be withdrawn.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3-6, 8, 10, 12-21, 24-27, 30-41 and 43-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Scarborough et al. (U.S. Pat. No.

5,632,747) (herein Scarborough) in view of Bobic et al. (U.S. Pat. No. 5,919,196) (herein Bobic). This rejection is respectfully traversed.

Claims 1, 3-6, 8, 10, 12-14, 17, 18, 30, 31, 36, 44, 45, and 47 are canceled and the rejections thereto are rendered moot.

Independent Claims 15, 27, 35, and 41 have been amended to include additional elements only from claims that previously depended directly or in series from the respective independent claim. The claims have also been amended for clarity in light of the other amendments. Thus, the claims as pending include subject matter previously considered and examined in the subject application and the amendments should be entered after Final.

Claim 15 has been amended to include the limitations of previously pending Claims 17 and 18. As discussed above, Applicants' representative discussed with the Examiner that the cited art fails to anticipate or render obvious at least:

a collet assembly including a selectively engageable mechanism . . . ; a harvester to selectively engage said selectively engageable mechanism . . .  
. a first graspable assembly and a separate second graspable assembly to selectively engage said collet assembly.

Scarborough discloses, at most, a single drill 20 that is connected to any other portion. The drill 20 is a single piece that is always connected to any portion that can harvest bone. Thus, the drill can not, as proposed in the Office Action, include the claimed first graspable assembly and separate second graspable assembly. See, Office Action mailed Aug. 25, 2009 page 7, lines 5-6 and page 5, figure. Bobic fails to overcome the failings of Scarborough in this regard. Claim 15 further recites other portions of the collet assembly for connecting the graspable member and harvester. Neither Scarborough, nor Bobic disclose or render obvious the recited elements of the collet

assembly and the claimed connections. Accordingly, amended Claim 15 should be in condition for allowance in light of the cited art.

Claim 27 is amended to recite,

interconnecting said collet with a graspable member including a graspable handle or alternatively a drill motor; . . . wherein interconnecting said collet with a graspable member includes selectively locking said collet to said graspable handle that is strikeable with a mallet and driving said harvesting member includes striking said graspable member with said mallet to drive said harvesting member into the selected bone portion; wherein interconnecting said collet with a graspable member alternatively includes selectively connecting said collet to said drill motor such that said drill motor is able to rotate said collet and driving said harvesting member includes rotating said harvesting member with said drill motor and pressing said harvesting member into the selected bone portion.

Claim 27 is amended with the elements of Claims 30 and 31 that was previously pending and depended from Claim 27 in series. Claim 27 now specifically recites a method of alternatively interconnecting two different graspable members that operate in alternative manners. As discussed above, Scarborough does not disclose or render obvious using two graspable members with a collet member as claimed. Moreover, Bobic does not overcome the failings of Scarborough to render obvious Claim 27. Accordingly, Claim 27, and the claims that depend therefrom, should be in condition for allowance.

Claim 35 is amended to recite, "a graspable member operable to be grasped by a user that includes both of an impact handle and a drill motor, wherein either of said impact handle or said drill motor are selectively engaged with said connecting member." The additional elements in the amendments to Claim 35 include those elements in previously pending Claim 36, which depended from Claim 35, and should be entered and considered after Final. As discussed above, Scarborough does not disclose or

render obvious a graspable member of that includes both an impact handle and a drill motor.

In addition, Claim 35 recites, "a connecting member including a spring biasing member and a bearing member . . . wherein said bearing member engages a bearing aperture of said harvest member in a quick release manner . . . wherein said spring biasing member compresses between said harvest member and a wall within said sleeve when said bearing member is engaged to said harvest member." Fig. 19 of Scarborough illustrates a stem 316 to receive a cutting blade 40. See, Scarborough, col. 6, Ins. 45-48. Thus, contrary to the assertion of the Office Action regarding at least these elements of Claim 35, Scarborough also fails to disclose or render obvious a connecting member, as claimed, that includes a bearing member and a spring biasing member to connect with a harvesting member in a quick release manner as claimed. See, Office Action mailed Aug. 25, 2009 page 12, line 2.

Bobic does not overcome the failings of Scarborough in regards to amended Claim 35. Accordingly, Claim 35, and the claims that depend therefrom, should be in condition for allowance.

Finally, Claim 41 is amended to recite,

a harvesting member . . .; and a collet assembly including a biasing spring member, a collar, a bearing member, and a sleeve defining an internal bore; wherein the biasing spring member is compressed by said collar when said harvesting member is moved against said collar of said collet assembly and said bearing member engages said bearing aperture to interconnect said harvesting member and said graspable portion; wherein said collar is disposed within said internal bore of said sleeve; wherein said biasing spring member is within said internal bore of said sleeve and provides a biasing force on said collar; wherein said bearing member extends through said bearing aperture and contacts a bearing locking depression in said sleeve to hold said collar in a selected

position and hold said harvesting member relative to said graspable portion.

The amendment to Claim 41 includes elements in previously pending Claim 47, which depended from Claim 41, and clarifying amendments. Thus, the amendment to Claim 41 should be entered and considered after Final. Applicants respectfully disagree with the assertion of the Office Action that the system of Scarborough discloses or renders obvious a biasing spring, collar, and bearing as claimed. As discussed above, Scarborough discloses a stem and cutting blade to engage the stem. No biasing spring, bearing, or collar is disclosed as a part of a collet assembly to connect the harvesting member with a graspable portion. Bobic fails to overcome the failings of Scarborough regarding Claim 41, thus, Claim 41, and the claims that depend therefrom, should be in condition for allowance.

Bobic is directed to an autograft transplant system that includes a driver/extractor 34 that includes a handle 37. A tube harvester can be driven with a mallet 58 into a boney portion. Applicants submit that the disclosure of Bobic fails to overcome any of the failings of Scarborough in rejecting any of the amended claims, at least for the reasons discussed above.

In light of the amendments to the independent claims, Applicants submit that all of the pending claims should be in condition for allowance. The elements added to the independent claims in this amendment were previously included in claims that depended from the respective independent claims, and should be entered after Final. Additional amendments were made only for clarifying the amended claims that now include the elements from the dependent claims. Thus, all of the claims should now be in condition for allowance.

## CONCLUSION


As discussed above, Applicants have amended each of the currently pending independent claims. Applicants respectfully submit that the independent claims have been amended to expedite prosecution of the current application and are in condition for allowance in light of the art cited in the rejections. Accordingly, Applicants submit that all of the stated grounds of rejections have been traversed, accommodated, or rendered moot. Applicants respectfully request that the Examiner withdraw all of the outstanding rejections and pass the present application to allowance at the Examiner's earliest convenience. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

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